

II. Remarks

Applicant makes the above request based on the following events:

During a telephone interview with Applicant's Attorney on September 28, 2005, the Examiner agreed that the reference Stephens does not teach the use of a helical brace, as described in the claims of this application. This effectively removed the only support for the prior rejection based on anticipation. Accordingly there is no valid rejection pending against the claims of this application and such claims appear to be in condition for allowance.

The Examiner also indicated during the interview that a new non-final office action would be issued enumerating any issues still pending in the Examination of this application.

On the advice of the Examiner, Applicant filed a response including amendments intended to clarify certain claim language to which the Examiner raised objections.

No written statement as to the substance of the telephone interview of September 28, 2005 was submitted by the Examiner. There were no objections raised to the interview summary submitted by Applicant's Attorney.

The Examiner has issued an Advisory Action refusing to enter the amendments on the basis of new issues being raised by the amendments. Applicant is unaware of any new issues raised by the amendments or any old issues currently pending.

Applicant requests a telephone interview with the Examiner and the associated Supervisory Examiner Mr. Gregory Huson, for the

purpose of clarifying the status of this application and resolving whatever outstanding issues may exist. This request is made under MPEP Sect. 713.09. Applicant submits that a telephone interview will expedite this application to allowance.

The Commissioner is hereby authorized to charge payment of \$120.00 for a one-month extension of time fee as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Ralph D. Gerling
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Reg. No. 24,689

11/16/05
Date

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300 the date indicated below, addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 11/16/05 Signature: [Signature]

Name: Lisa Shimizu

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